IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.12.2007

C O R A M :

THE HONOURABLE MR.JUSTICE P.JYOTHIMANI

WRIT PETITION No.37008 of 2007
and M.P.No.1 of 2007

Jeenath ... Petitioner

-vs-

1. The Inspector of Police
   Neelangarai Police Station
   Nelangarai
   Kancheepuram District.

2.The Superintendent
   Puzhal Central Prison
   Puzhal, Chennai.

3.The Chairman
   Sholinganallur Town Panchayat
   Sholinganallur
   Kancheepuram District. ..Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus as stated therein.

For petitioner :: Mr.Ethiraj
for Mr.S.Sasikumar

For respondents :: Mr.V.Arun,Addl.Govt.Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

2. The writ petition is filed for direction against respondents 1 and 2 to release the petitioner's husband viz., Kuthbutheen, remanded and lodged in Central Prison, Puzhal in Crime No.1100 of 2007 on the file of the Inspector of Police, Neelangarai Police Station, Kancheepuram District, to enable him to attend the Council meeting to be held on 14.12.2007 around 10.15 a.m. in terms of the notice made in Meeting No.13/2007 dated 10.12.2007, issued by the Sholinganallur Town Panchayat, third respondent.

3. The petitioner's husband by name Kuthbutheen, is a Councillor for Ward No.5, of Kudimiyandhi Thope, which comes under the Sholinganallur Town Panchayat, Kancheepuram District, elected

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in the Local Body Election held in 2006 and he was arrested in Trichi and a case in Crime No.1100 of 2007 was registered on the file of the first respondent herein and lodged in the Central Prison, Puzhal for the alleged offences under Sections 341, 323, 324, 452, 427, 307 and 506 (ii) IPC and Section 3 of TNPDT Act. It is the case of the petitioner that her husband being the Councillor has been prevented from attending the earlier meetings on two occasions and if he fails to attend the meeting to be held on 14.12.2007 at 10.15, he may be facing disqualification as per Section 38 of the Tamil Nadu Panchayat Act. In view of the same, the petitioner has filed the present writ petition for the directions as stated above.

4. Mr.V.Arun, learned Additional Government Pleader, taking notice on behalf of the respondents would vehemently oppose the same on the ground that merely because the petitioner's husband will be disqualified cannot be a ground for permitting him on parole for the purpose of participating in the meeting. He would also submit that dealing of the petitioner's husband will involve law and order problem also and the respondents have to take care of the public interest.

5. Mr.Ethiraj, learned counsel appearing for the petitioner would submit that on an earlier occasion in respect of a person who was detained under National Security Act, similar order was given by this Court in W.P.No.7733 of 2005 on 09.03.2005, permitting the detenu on parole only to enable him to attend the Council meeting with the police escort.

6. Considering the above said facts that the petitioner's husband is an elected member/Councillor for Ward No.5 of the third respondent Panchayat and on the past two occasions he could not participate in the meeting and if he fails to participate in the meeting to be held on 14.12.2007 at 10.15 a.m., he is likely to be disqualified from holding the said post, there will be a direction to respondents 1 and 2 to release the petitioner's husband/detenu by name Kuthbutheen on parole, only to enable him to attend the Council Meeting of Sholinganallur Town Panchayat, to be held on 14.12.2007 at 10.15 a.m. The detenu shall be permitted to attend the meeting only with police escort for not more than an hour to remain at the meeting venue. It is made clear that any other usual conditions which are attached to the detenu has to be complied with by the police while enlarging the petitioner's husband on parole. The petitioner's husband shall be taken back and lodged in the Central Prison, Puzhal after the allotted time of one hour in the meeting.

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The writ petition is disposed of in the above terms. No costs. Connected miscellaneous petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The Inspector of Police
   Neelangarai Police Station
   Nelangarai
   Kancheepuram District.

2.The Superintendent
   Puzhal Central Prison
   Puzhal, Chennai.

3.The Chairman
   Sholinganallur Town Panchayat
   Sholinganallur
   Kancheepuram District.

+ 1 CC To Mr. S.Sasikumar, Advocate SR NO.74014

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